

REMARKS/ARGUMENTS

Applicants hereby submit their request for continued examination of the above-identified application. On January 8, 2007, Applicants submitted their request to add an inventor and petition to correct inventorship with supporting documentation (Exhibit 1). On January 10, 2007, Applicants submitted a supplement to that request when they received the replacement declaration of one of the missing inventors (Exhibit 2).

On February 2, 2007, an Advisory Action was issued indicating that the declarations of the inventors would not be entered. In response, Applicants filed a Request for Continued Examination and a short Reply to the advisory Action referencing the previously submitted materials (Exhibit 3).

On May 29, 2007, the decision on Petition was mailed, dismissing the petition because the declaration of one of the inventors, Gary L. Curtis, contained "alterations" that were not initialed and dated (Exhibit 4). Applicants filed their Reply to that decision on August 8, 2007, providing a "Supplemental Replacement Declaration and Power of Attorney" for Mr. Curtis (Exhibit 5).

In view of the foregoing, Applicants' papers requesting correction of inventorship are now in order. The Examiner is requested to consider the foregoing papers and determine that Mr. Peace is indeed a co-inventor along with the named inventors.

Applicants also request that the Examiner accept Mr. Peace's declaration demonstrating prior conception and reduction to practice of the subject

matter of these claims. That declaration removes the '865 patent as prior art. Thus, the present application should be deemed allowable and an interference with the '865 patent declared. Such action is respectfully solicited.

For the Examiner's convenience, Applicants provide below an index of the materials included in Exhibits 1 through 5.

Exhibit 1 Items previously submitted on January 8, 2007:

Response To Final Office Action Dated October 13, 2006;

Request To Add An Inventor Under 37 C.F.R. § 1.48 And
Petition Under § 1.47(a);

Declaration Under 37 C.F.R. §§ 1.48 and 1.131 of Steven L.
Peace;

Replacement Declaration And Power Of Attorney; and

Consent By Assignee Under 37 C.F.R. § 1.48(c).

Exhibit 2 Items previously submitted on January 10, 2007:

Supplemental Request To Add An Inventor Under 37 C.F.R. §
1.48 And Petition Under § 1.47(a); and

Replacement Declaration And Power Of Attorney.

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Exhibit 3 Items submitted on March 28, 2007:

Request For Continued Examination Transmittal; and
Reply To Advisory Action Dated February 2, 2007.

Exhibit 4

Decision On Petition mailed May 29, 2007.

Exhibit 5 Items submitted on August 6, 2007:

Reply To Decision On Petition Dated May 29, 2007; and
Supplemental Replacement Declaration And Power Of
Attorney.

Respectfully submitted,



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October 30, 2007

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CERTIFICATE OF MAILING (37 C.F.R. § 1.10)

I hereby certify that this correspondence and/or fee is, on the date shown below, being deposited with the United States Postal Services as Express Mail Post Office to Addressee, EM 154875901 with sufficient postage, October 30, 2007.

Jayne E. Schwartz
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